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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,049	11/02/2001	Charles F. Malone	KPF / 54	4375
26875	7590	04/15/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,049

Applicant(s)

MALONE ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 14, 15, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's appeal brief filed on November 17, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 7-9, 11 and 13 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,419,305 to Hanley.

Regarding claim 7, Hanley discloses an oven door locking mechanism comprising a clutch mechanism. The clutch mechanism comprises a thermally responsive element (70), a clutch (the engaging portion at the end of the lock member 78), and a lock member (78).

A first spring (96) is in contact with the lock member (Figure 2). The lock member defines a first side of the clutch as a keyed aperture (Figure 4) that is engaged to the thermally responsive element.

The oven door locking mechanism locks and unlocks the oven door at substantially different temperatures.

As to claim 8, Hanley discloses that the keyed aperture comprises an annular recess (Figure 4).

As to claim 9, Hanley discloses that the lock member has a first end and a second end and the keyed aperture is defined at the first end.

As to claim 11, Hanley illustrates that the first spring encompasses the locking member (Figure 2).

As to claim 13, Hanley discloses that the oven door locking mechanism further comprises a latch mechanism (10,30,38 and 54) defining a lock hole (at the middle of 54) adapted to receive the lock member, and a mounting bracket (2) wherein the first spring is affixed to it (Figures 1 and 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 7-9,11 and 13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,474,702 to Malone et al (Malone) in view of US Pat No 3,540,767 to Siegel and further in view of US Pat No 5,419,305 to Hanley.

Regarding claim 7, Malone discloses an oven door locking mechanism comprising a clutch mechanism. The clutch mechanism comprises a thermally responsive element (66), a clutch (the engaging portion 76 at the end of the lock member 72), and a lock member (72). The oven door locking mechanism locks and unlocks the oven door at substantially different temperatures.

However, Malone fails to disclose that the oven door locking mechanism comprises a first spring in contact with the lock member and that the lock member defines a first side of the clutch with a keyed aperture that is engaged to the thermally responsive element.

As to the first spring, Hanley teaches that is known in the art to have a first spring (96) in contact with a lock member (Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a spring in contact with the lock member, as taught by Hanley, into a device as described by Malone, in order to exert restraining pressure on the lock member.

As to the lock member defining a first side of the clutch with a keyed aperture that is engaged to the thermally responsive element, Malone discloses that the clutch (at 76) has a protrusion that is engaged to the thermally responsive element (Figure 4).

Siegel teaches that is known in the art to have a lock member (52) defining a first side of clutch with a keyed aperture (at an end of the lock member) that is engaged to a thermally responsive element (46). Furthermore, Hanley also illustrates this limitation (see 102 rejection above).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a keyed aperture, as taught by Siegel, into a device as described by Malone, in order to engage the clutch to the thermally responsive element.

As to claim 8, Siegel teaches that the keyed aperture comprises an annular recess (Figure 4).

As to claim 9, Siegel teaches that the lock member has a first end and a second end and the keyed aperture is defined at the first end (Figure 4).

As to claim 11, Hanley teaches that the first spring encompasses the locking member (Figure 2).

As to claim 13, Malone discloses that the oven door locking mechanism further comprises a latch mechanism (20 and 102) defining a lock hole (48) adapted to receive the lock member, and a mounting bracket (26).

Hanley teaches that the first spring (96) is affixed to the mounting bracket (2 at Figures 1 and 2).

Allowable Subject Matter

6. **Claims 10 and 15 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12,14 and 16 will also be allowed because the claims depend from claims 10 and 15 respectively.

Reasons For Allowable Subject Matter

7. The following is an examiner's statement of reasons for allowable Subject Matter:

Claims 10 and 15 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the thermally responsive element

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defines a slot that is in engagement with the keyed aperture (claim 10) and that the lock hole comprises a receiver member (claim 15).

Hanley (US 5,419,305) fails to disclose that the thermally responsive element (70) defines a slot that is in engagement with the keyed aperture. Hanley discloses that the thermally responsive element (70) defines a tab that is in engagement with the keyed aperture.

Malone (US 6,474,702) fails to disclose that the lock hole comprises a receiver member. Malone illustrates that the lock member just passes through the lock hole; no receiver member is placed into the hole (Figure 4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments, see Appeal Brief, filed on November 17, 2003, with respect to the rejection(s) of claim(s) 7-17 under 102(b) over Siegel (US 3,540,767) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hanley (US 5,419,305) and in view of Malone (US 6,474,702), as modified by Siegel (US 3,540,767) and Hanley (US 5,419,305).

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
Art Unit 3677

April 7, 2004.


ROBERT J. SANDY
PRIMARY EXAMINER